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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,343	03/18/2005	Yoshiaki Isobe	0020-5350PUS1	5054
2292 7590 12/19/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
BERCH, MARK L				
ART UNIT		PAPER NUMBER		
1624				
NOTIFICATION DATE		DELIVERY MODE		
12/19/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Interview Summary

Application No.

10/528,343

Applicant(s)

ISOBE ET AL.

Examiner

/Mark L. Berch/

Art Unit

1624

All participants (applicant, applicant's representative, PTO personnel):

(1) /Mark L. Berch/.(3) Mark Nuell.(2) Mary Hess-Eliason.

(4) ____.

Date of Interview: 16 December 2008.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal (copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: ____.

Claim(s) discussed: All.

Identification of prior art discussed: ____.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: There is no rejection of claim 104, so it is indicated as allowable in substance. Applicants will argue that the proper standard is not In re Ferens, but the preponderance of evidence. It is only examples 39-40 and 45 which need to be tested with regard to the reference. Applicants are entitled to the subject matter of claim 116 in terms of enablement. If applicants want to claim an anti-viral use, it must be limited to what has been shown, not virus or Herpes in general.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.